



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
INSPECTOR GENERAL

March 8, 2019

MEMORANDUM

SUBJECT: Management Alert: Destruction of a Document Used to Certify Security of EPA's Budget Formulation System
Report No. 19-N-0085

FROM: Kevin Christensen, Assistant Inspector General
Office of Audit and Evaluation

A handwritten signature in black ink, appearing to read "Kevin Christensen", is positioned to the right of the "FROM:" field.

TO: Holly Greaves, Chief Financial Officer

It has come to the attention of the Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA) that personnel within the Office of the Chief Financial Officer (OCFO) destroyed an employee's notes. The notes documented the review of the agency cloud service provider's compliance with the federally required information system security controls for the EPA's Budget Formulation System (BFS).

While conducting the *Audit of Information System Security Controls for EPA's Budget Systems* (Project No. OA-FY18-0065), the OIG requested the BFS Security Assessment Report (SAR) for the cloud-hosting environment and the OCFO's analysis of the report. OCFO personnel said that because of a Non-Disclosure Agreement (NDA)—called the Agreement for Package Reviewers—with the U.S. General Services Administration's Federal Risk and Authorization Management Program (FedRAMP), they were prohibited from sharing any documents associated with the agency's review with third parties, including the OIG. OCFO personnel said that, because of the NDA they had signed, they destroyed the notes documenting their analysis of the SAR. The NDA states the following:

The SAR shows the results of the evaluation of the BFS cloud environment's compliance with FedRAMP baseline security controls. There were 180 vulnerabilities identified in the BFS cloud environment's SAR.

- "I will not disclose information in FedRAMP Security Packages to any third-parties, i.e., any parties not expressly authorized to have access to the information by the FedRAMP Program Management Office or the company that submitted the Security Package.
- "I will not save, print, email, post, publish, or reproduce any FedRAMP Security Package documents in any form including all electronic methods.
- "To the extent I must download FedRAMP Security Package documents in order to view them, once my review is complete for a given session, I agree to destroy and delete all copies of FedRAMP Security Package documents."

When an OCFO employee made notes of their review of the BFS controls—something the employee knew was being audited at the time by the OIG (an audit [notification memorandum](#) had been issued December 17, 2017)—it put the document squarely in the realm of information subject to disclosure in the course of the OIG audit. The proper course of action for the OCFO would have been to (1) not destroy the notes, (2) notify the OIG audit team of the issue with the notes and the NDA, and (3) provide the notes to the audit team as required by Section 6(a)(1) of the Inspector General Act, as amended, 5 U.S.C. app. 3.

We are concerned that the OCFO acted incorrectly. The OCFO potentially overlooked compliance with the Federal Records Act and the agency's Interim Records Management Policy. Furthermore, by subordinating the Inspector General Act to an NDA, the OCFO did not provide the OIG timely access to all documents relating to the subject audit, which is contrary to Section 6(a)(1) of the Inspector General Act. Moreover, without the OIG's ability to review the destroyed notes or spreadsheet, there is no documentary evidence that the EPA analyzed the impact of the 180 vulnerabilities identified in the SAR.

Response Requested

Please update us within 15 days of the issuance of this alert on actions taken by the OCFO, in consultation with the EPA's Office of General Counsel, concerning how it plans to proceed regarding the destruction of a potential record documenting the office's review of the cloud service provider's network hosting the EPA's BFS. We will post your response on the OIG's website.

We will post this report to our website at www.epa.gov/oig.

cc: Andrew Wheeler, Administrator
Henry Darwin, Chief of Operations
Ryan Jackson, Chief of Staff
Michael Molina, Deputy Chief of Staff
David Bloom, Deputy Chief Financial Officer
Carol Terris, Acting Associate Chief Financial Officer
Bob Trent, Agency Follow-Up Coordinator
Matthew Leopold, General Counsel
Joseph Brazauskas, Associate Deputy General Counsel
Troy Lyons, Associate Administrator for Congressional and Intergovernmental Relations
Nancy Grantham, Principal Deputy Associate Administrator for Public Affairs
Serena McIlwain, Director, Office of Continuous Improvement, Office of the Administrator
Michael Benton, Audit Follow-Up Coordinator, Office of the Administrator
Maria Williams, Acting Director, Office of Budget, Office of the Chief Financial Officer
Jeanne Conklin, Controller, Office of the Chief Financial Officer
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